

4-209. Motion for service by publication.

[For use with Rule 1-004 NMRA in the District Court]

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____, Plaintiff

v.

No. _____

_____, Defendant

**MOTION FOR SERVICE¹
BY PUBLICATION**

_____, the plaintiff states that after diligent inquiry and search efforts, plaintiff has been unable to serve process on the above-named defendant personally and the following diligent efforts were made to locate and serve the above-named defendant personally with a summons and complaint:

(Check each method of service attempted and complete applicable blank spaces.)

- ☐ personal service;
- ☐ service at the defendant's last known residential address by _____ *(name of person attempting service)*;
- ☐ service by mail or courier service pursuant to Paragraph F of Rule 1-004 NMRA;
- ☐ service at the defendant's last known business address;
- ☐ service at the address listed at the motor vehicle division for the defendant's driver's license;

- [] service at the address listed in the last telephone directory listing for the following city or county: _____ (*list cities and counties*);
- [] a search of the records of the following courts _____ (*list courts*);
- [] _____ (*describe other attempts to locate defendant*);
- [] contacted the post office for the zip code of the last known address of the defendant and there was no forwarding address;
- [] _____ (*describe other attempts to locate and serve the defendant*).

I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Date: _____

Signature of plaintiff

STATE OF NEW MEXICO)
) ss
COUNTY OF _____)

Signed and sworn to before me this _____ day of _____,
_____.

Notary

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, _____ this motion was

[mailed by United States mail, postage prepaid, and addressed to:

Name: _____

Address: _____

City, state and zip code: _____]

[faxed by _____ (*name of person who faxed*) to _____

(*defendant or defendant's attorney*). The transmission was reported as complete and without

error. The time and date of the transmission was _____ (a.m.) (p.m.) on _____

(*date*).]

[e-mailed by _____ (*name of person who transmitted*) to

_____ at _____ (*electronic address of recipient*) who agreed

to service in this manner. The transmission was successful. The time and date of the

transmission was _____ (a.m.) (p.m.) on _____ (*date*).]

Signature of attorney

Date of signature

If this motion was served by a person other than an attorney, the following must also be completed and filed with the court:

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a copy of this motion was served by [mail] [fax]
[electronic transmission] as described above on this ____ day of _____, _____.

Signature of person who made service

Subscribed and sworn to before me
this ____ day of _____, _____.

Judge, notary or other officer
authorized to administer oaths

Official title

Signature

Date of signature

USE NOTE

1. This form was prepared for service by publication. It is used in conjunction with Form 4-209A or 4-209B NMRA.

[Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, October 14, 2004.]